

**REMARKS****The Claim Amendments**

Applicants have canceled claims 2-4, 6-14, 19, 21-28, 30-31, and 33-35, have amended claims 1, 5, 15-18, 20, 29, and 32, and have added new claims 36-39. Amended claim 1 recites a chemically modified double stranded short interfering nucleic acid molecule (siRNA) comprising a sense strand and an antisense strand, wherein: each strand of said siRNA molecule is about 18 to about 27 nucleotides in length; the antisense strand of said siRNA molecule comprises about 18 to about 27 nucleotides that are complementary to HCV RNA corresponding to SEQ ID NO: 1706 and are also complementary to the sense strand; the sense strand of the siRNA comprises a portion of the HCV RNA nucleotide sequence of about 18 to about 27 nucleotides; and the siRNA molecule comprises at least one 2'-O-methyl or 2'-deoxy-2'-fluoro nucleotide.

Support for the amendment to claim 1 can be found at, *inter alia*, page 10, lines 1-6; page 11, lines 26-32; page 12, lines 8-12; page 13, lines 8-20; page 14, lines 4-10; page 14, line 12 to page 15, line 15; page 17, lines 11-19 and 30-32; page 18, lines 18-21; page 29, line 31 to page 30, line 2; Table II. Support for new claims 36-39 can be found at, *inter alia*, page 16, lines 29-32; page 17, lines 5-7, and page 19, lines 1-11.

Amendments to the claims are made without prejudice and do not constitute amendments to overcome any prior art or other statutory rejections and are fully supported by the specification as filed. Additionally, these amendments are not an admission regarding the patentability of subject matter of the canceled or amended claims and should not be so construed. Applicant reserves the right to pursue the subject matter of the previously filed claims in this or in any other appropriate patent application. The amendments add no new matter and applicants respectfully request their entry.

**The Sequence Listing**

Applicants have enclosed a new sequence listing and request its entry in place of the previously entered sequence listing. The sequence listing adds SEQ ID NO:1706. The sequence represents GenBank entry D11168 (see Table I). The version of D11168 appearing in the sequence listing as SEQ ID NO: 1706 appeared in GenBank on February 2, 2000. Applicant submits that the CD-R submitted in lieu of the paper copy and the

CD-R submitted for the computer-readable copy are identical in content. The sequence listing adds no new matter and applicants respectfully request its entry.

### **Priority**

The present application claims priority, *inter alia*, to U.S. provisional patent application Nos. 60/363,124 (the '124 application) and 60/358,580 (the '580 application). The claims presented above all find complete support in the '124 and '580 applications. In particular, amended claim 1 finds support for chemically modified double stranded siRNA at page 3, lines 15-17; page 6, lines 19-24; and page 24, lines 22-24 of the '124 application and pages 3, 5, and 20-21 of the '580 application; comprising a sense strand and an antisense strand at page 7, lines 9-11 of the '124 application and pages 6-7 of the '580 application; each strand is about 18 to about 27 nucleotides in length at page 12, lines 4-12 of the '124 application and page 11 of the '580 application; complementarity between the sense and antisense strands at page 12, lines 4-7, and page 25, lines 17-29 of the '124 application and pages 11, 21-22 of the '580 application; the antisense strand having between 18-27 nucleotides complementary to HCV nucleotide sequence corresponding to SEQ ID NO:1264 at page 18, lines 1-5, page 12, line 6, page 159; page 63, line 20 for GenBank Accession No. D11168 of the '124 application and page 54 of the '580 application; sense strand comprising a portion of HCV sequence at page 15, lines 17-19 and 30-31 of the '124 application and page 15 of the '580 application; and 2'-O-methyl or 2'-deoxy-2'-fluoro modifications at page 5, lines 13-22; page 6, line 19 to page 7, line 18 (where R3 of Formula II is F or O-alkyl); and pages 10-11 of the '124 application and pages 5, 6, 7, 10, and 11 of the '580 application.

Support for the dependent claims can also be found, *inter alia*, in the '124 and '580 applications:

<b>Claim</b>	<b>Support</b>
3	One or more ribonucleotides: p. 15, lines 3-9 ('124); p. 14 ('580)
13	One or more pyrimidine nucleotides present in the sense strand are 2'-O-methyl pyrimidine nucleotides: p. 10, lines 11-13 ('124); p. 10 ('580)

Claim	Support
14	One or more purine nucleotides present in the sense strand are 2'-deoxy purine nucleotides: p. 6, lines 19-23 ('124); p. 5-6 ('580)
15	One or more pyrimidine nucleotides present in the sense strand are 2'-deoxy-2'-fluoro pyrimidine nucleotides: p. 10, lines 11-13 ('124); p. 10 ('580)
16	Sense strand includes a terminal cap moiety at the 5'-end, the 3'-end, or both of the 5' and 3' ends of the sense strand: p. 10, lines 6-7, 20-21, p. 40, lines 1-18 ('124); p. 8-9 ('580)
17	Terminal cap moiety is inverted deoxy abasic moiety: p. 5, line 16, p. 14, lines 10-13, p. 40, lines 4-18 ('124); p. 5, 14, and 35 ('580)
18	One or more pyrimidine nucleotides present in the antisense strand are 2'-deoxy-2'-fluoro pyrimidine nucleotides: p. 10, lines 11-13 ('124); p. 10 ('580)
19	One or more purine nucleotides in antisense strand are 2'-O-methyl purine nucleotides: p. 6, lines 19-25 ('124); p. 5-6 ('580)
20	One or more purine nucleotides present in the antisense strand are 2'-deoxy purine nucleotides: p. 6, lines 19-23; p. 5-6 ('580)
21	Terminal phosphorothioate internucleotide linkage at 3' end of antisense strand: p. 9, lines 24-25 ('124); p. 9 ('580)
30	Terminal phosphate group: p. 8, line 26 to p. 9, line 13 ('124); p. 8-9 ('580)
31	Composition comprising the double stranded nucleic acid molecule in a pharmaceutically acceptable carrier or diluent: p. 18, lines 15-19 ('124); p. 16-17 ('580)

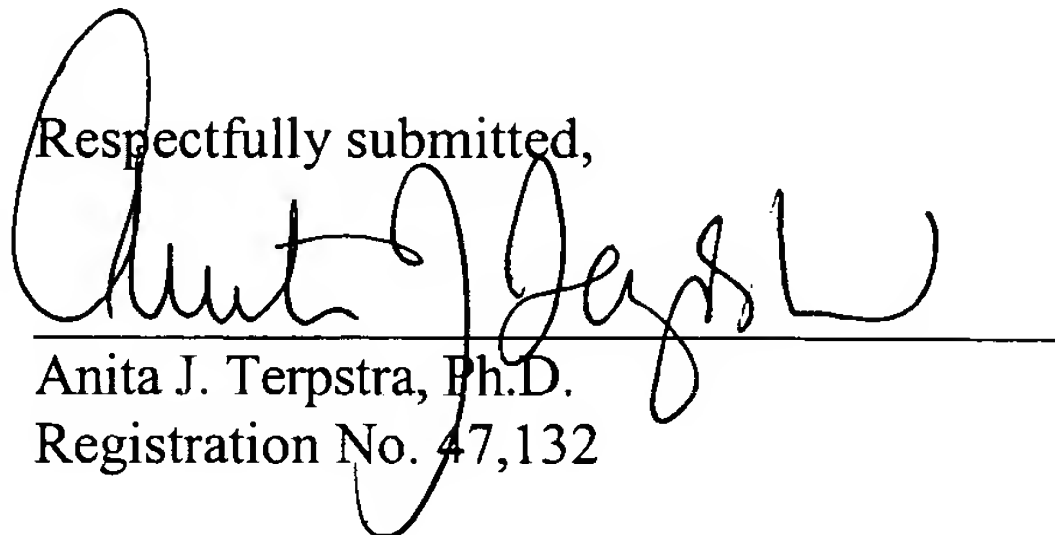
Support for all of the pending claims can be found in the '124 and '580 applications. The instant application claims priority to and incorporates by reference PCT/US03/05043 in its entirety, which application claims priority to and incorporates by reference, inter alia, the '124 and '580 applications in their entirety. Thus, the instant application properly claims priority to the 60/363,124 and 60/358,580 applications. Applicant respectfully submits that the instant invention is entitled to a priority date of at least February 20, 2002.

**The Restriction Requirement**

The only claim in Group II (claim 35) has been canceled, rendering the restriction moot. However, for the sake of completeness, Applicant elects with traverse Group I, claims 1-34, for prosecution on the merits.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anita J. Terpstra", written over a horizontal line.

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